

### **REMARKS/ARGUMENTS**

The Applicants have carefully considered this application in connection with the Examiner's Action and respectfully request reconsideration of this application in view of the following remarks.

The Applicants originally submitted Claims 1-25 in the application. In a previous response to a restriction requirement, the Applicants withdrew Claims 17-25. In previous responses to Examiner's actions, the Applicants canceled Claims 7 and 17-25 and added new Claims 26-28. Presently, the Applicants have amended Claims 1 and 12, canceled Claim 11 without prejudice or disclaimer, and added new Claim 29. No other claims have been amended, canceled or added. Accordingly, Claims 1-6, 8-10, 12-16 and 26-29 are currently pending in the application.

#### **I. Rejection of Claims 1-6, 8-10, 12-16 and 26-28**

The Examiner has rejected Claims 1-4, 6, 8-10, 12-16, and 26 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,614,091 to Downey, *et al.* ("Downey"), Claims 5 and 27-28 under 35 U.S.C. §103(a) as being unpatentable over Downey in view of U.S. Patent No. 6,979,896 to Seshan ("Seshan"), and Claim 11 under 35 U.S.C. §103(a) as being unpatentable over Downey in view of Applicant's Admitted Prior Art ("AAPA"). Independent Claim 1 includes the element that a passivation layer overlies at least a portion of the bond pad level. On the other hand, independent Claim 12 includes the element that the passivation layer overlies at least a portion of the second interconnect structure. The Examiner, in the Examiner's Action dated March 19, 2007, states in paragraph 6 thereof that "Downey does not disclose the IC further comprising a passivation layer overlying the bond pad level." Downey also fails to teach or suggest the element that a passivation

layer overlies the second interconnect structure. The Applicants' agree with the Examiner on these issues.

The Examiner, however, attempts to bring in the AAPA for this teaching or suggestion. Nonetheless, there is no motivation in Downey to incorporate the passivation layer 158 of the AAPA into the structure of Downey. Actually, Downey specifically teaches away from placing a passivation layer over its wire bond pads **53**. For example, Downey requires in column 2, lines 20-30, that "[a] full standard size aluminum pad is deposited directly on top of the passivation layer." Moreover, independent Claim 1 of Downey requires that the aluminum wire bond pad **53** is formed over the passivation layer. As Downey teaches away from forming a passivation layer over its wire bond pad **53**, one skilled in the art would not combine these features.

Thus, Downey, individually or in combination with AAPA, fails to teach or suggest the invention recited in independent Claims 1 and 12 and their dependent claims, when considered as a whole. The combination, therefore, must fail to establish a prima facie case of obviousness with respect to these claims. Claims 1-6, 8-10, 12-16 and 26-29 are therefore not obvious in view of the combination.

In view of the foregoing remarks, the cited references do not support the Examiner's rejections of Claims 1-6, 8-10, 12-16 and 26-29. The Applicants therefore respectfully request the Examiner withdraw the rejection.

## **II. Conclusion**

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-6, 8-10, 12-16 and 26-29.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

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